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## Patent Application

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. of: Peter A. Altman Art Group: 3739  
Serial No.: 10/014,445 Examiner: Lee S. Cohen  
Filed: December 11, 2001 Atty. Docket: 23,403-05  
Reissue of: U.S. Patent No. 5,551,427  
For: Implantable Device for Penetrating and Delivering Agents to Cardiac Tissue

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## TERMINAL DISCLAIMER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Biocardia, Inc., a corporation organized and existing under the laws of the State of Delaware, and having a principal office located at 5243 California Street, San Francisco, CA 94118, is owner of the entire right, title and interest in and to the above-identified patent application and the underlying invention by virtue of an assignment from the inventor, recorded in the U.S. Patent and Trademark Office August 28, 2002 at Reel 013230, beginning at Frame 0154. Biocardia, Inc. also is the owner of the entire right, title and interest in and to U.S. Reissue Patent No. RE37,463 by virtue of an assignment from the inventor, recorded in the U.S. Patent and Trademark Office September 24, 2002 at Reel 013323, beginning at Frame 0148.

Biocardia, Inc. hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the February 13, 2015 expiration date of the full statutory term of said U.S. Reissue Patent No. RE37,463, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that said patent so granted, and said U.S. Reissue Patent No. RE37,463, are commonly owned, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

The undersigned is an attorney of record in the above-identified application, and in that capacity is executing this Terminal Disclaimer.

A check in the amount of \$55.00 (small entity) is enclosed, in payment of the fee for filing this Disclaimer.

The Commissioner is authorized to charge any additional fee that might be required, or to credit any overpayment, to Deposit Account No. 12-0449.

Respectfully submitted,

Biocardia, Inc.

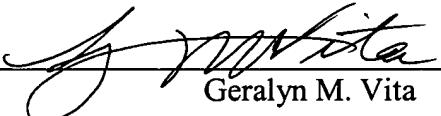
Date: January 28 2004

By:   
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#### CERTIFICATE OF MAILING

Pursuant to 37 C.F.R. 1.8, I hereby certify that this Terminal Disclaimer in U.S. Patent Application Serial No. 10/014,445 is being deposited with the U.S. Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of deposit indicated below.

Date: January 28, 2004

  
Geralyn M. Vita

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